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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,128	12/09/2005	Takeshi Oka	450100-05109	2855
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
06/08/2010				
EXAMINER				
RAHMAN, MOHAMMAD N				
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2161				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,128

Applicant(s)

OKA ET AL.

Examiner

MOHAMMAD N. RAHMAN

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The applicants' argument regarding to the PCT/JP04/08402 filed 06/09/04 is persuasive and thus the rejection is withdrawn as the Hyodo reference (US 2005/0025460) filed 07/07/2004 was filed after the PCT's date on 06/09/04. The examiner here by making suggestion to the applicant for disregarding the previous Office Action and count this Office Action as a Non-Final Rejection.
2. This Office Action is in response to applicant's communication filed 05/27/2009 in response to PTO Office Action mailed 04/27/2009. The Applicant's remarks and amendments to the claims and/or the specification were considered with the results as follow.
3. Claims **1-10** are now pending.

Response to Arguments

4. Applicant's arguments, see Remarks, pages 1-5, filed 05/27/2009, with respect to the rejection(s) of claim(s) 1-10 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejection is made in view of Wilkinson (US Publication No. 2002/0164149).

Claim Rejections - 35 USC § 102

5. **Claims 1-10** rejected under 35 U.S.C. 102(e) as being anticipated by Wilkinson (US Publication No. 2002/0164149).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

6. **Claims 1-10** are rejected under 35 U.S.C. 102(e) as being unpatentable over Wilkinson (US Publication No. 2002/0164149), herein after "Wilkinson".

As to claim 1, Wilkinson teaches, a file generation apparatus for generating a file of first data to be recorded on a recording medium, the file generation apparatus comprising:

- "first generation means for generating second data to be arranged at the beginning of the file" see at Fig. 1 and Para, [0013] and [0047], (The file comprises a file header, a file body and a file footer. The body contains the "essence" that is, in this example, video and / audio essence data.);

- "second generation means for generating third data to be arranged at the end of the file" see at Fig. 1 and Para. [0047] and [0054], (The MXF file is terminated by a file footer); and
- "third generation means for generating fourth data which allows the data amount of the first, second, or third data to be an integral multiple of a unit of reading or writing to the recording medium (at Para. [0014] and [0132]) by adding the fourth data to the first data, the second data, or the third data" see at Fig. 1 and Para. [0013], [0056] and [0060], (the file comprises a file header and file body containing the said other material and a file footer.)
- Wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data the first data being either video data or audio data organized according to an edit unit (at Para. [0063], (Metadata may also comprise data relating to edits in the material. It may comprise instructions defining simple editing and other processes to be performed on the material), and wherein the stuffing data has a KLV structure" at Para. [0020], (The packets include integer numbers of whole KLV encoded items containing the data of the structure where a value field V contains the data, a length field indicates the length of the value field and a key field indicates the type of packet).

Note that claims 8 and 9 recite the corresponding limitations as set forth in claim 1 above, thus rejected accordingly.

As to claim 2, Wilkinson teaches, “the file generation apparatus according to claim 1, wherein the first generation means generates the second data, i.e., a header of the file” see at Para. [0013].

As to claim 3, Wilkinson teaches, “the file generation apparatus according to claim 1, wherein the first generation means further comprises format conversion means for converting the first data into a KLV (Key, Length, Value) structure; and wherein the first generation means generates the second data composed of the file's header, and a key and a length arranged between the header and the first data” see at Fig.1 and paragraphs [0013] and [0020].

As to claim 4, Wilkinson teaches, “the file generation apparatus according to claim 1, wherein the third generation means generates the fourth data by making an addition to each of N-1 portions of the first data toward the beginning out of the first data divided into N portions, where N is an integer, so that the data amount of each of the first data divided into N-1 portions becomes an integral multiple of a physical unit area of the recording medium and the overall data amount of the first data becomes an integral multiple of the unit of reading and writing on the recording medium” see at Fig. 2 and 3 and Para. [0064], [0066] and [0067], (the Header Metadata of the preamble comprises 16 bytes of Header Metadata Universal Label (UL), followed by a length byte followed by KLV encoded metadata sets (sets 1 to n) which constitute the data of the

value field (V). So it is explained that the length N then the data amount of each of the first data divided into N-1 portions.)

As to claim 5, Wilkinson teaches, “the file generation apparatus according to claim 1, wherein the third generation means generates the fourth data for the first data divided into units corresponding to specified reproduction times with video data and audio data for a plurality of channels multiplexed in accordance with the divided units so that the data amount for each of divided units of the first data corresponds to an integral multiple of the unit of reading and writing on the recording medium” see at paragraphs [0064], [0133] and [0147].

As to claim 6, Wilkinson teaches, “the file generation apparatus according to claim 5, wherein the third generation means generates the fourth data so that the data amount totaling partition data for separating divided portions of the first data from each other, metadata contained in each of divided portions of the first data, and the video data corresponds to an integral multiple of the unit of reading and writing on the recording medium” at paragraphs [0058], [0081] and [0132].

As to claim 7, Wilkinson teaches, “the file generation apparatus according to claim 5, wherein the third generation means generates the fourth data so that the data amount of each of divided portions of the audio data contained in each of divided portions of the first data corresponds to an integral fraction of the unit of reading and writing on the recording medium and the overall data amount of the audio data

corresponds to an integral multiple of the unit of reading and writing on the recording medium" see at Fig. 3 and paragraphs [0058], [0081] and [0132].

As to claim 10, Wilkinson teaches, A recording medium to record a file of first data, wherein first additional data is added to record the first data whose data amount corresponds to an integral multiple of a unit of reading or writing to the recording medium so that a boundary of the first data matches a boundary of the unit" see at Fig. 1 and paragraphs [0013] and [0047], (The file comprises a file header, a file body and a file footer. The body contains the "essence" that is, in this example, video and / audio essence data.);

- "wherein second data is arranged at the beginning of the file and is attached with second additional data to have the data amount corresponding to an integral multiple of the unit so that a boundary of the second data matches a boundary of the unit" see at Fig. 1 and paragraphs [0047] and [0054], (The MXF file is terminated by a file footer); and
- "wherein third data is arranged at the end of the file and is attached with third additional data to have the data amount corresponding to an integral multiple of the unit so that a boundary of the third data matches a boundary of the unit " see at Fig. 1 and paragraphs [0013], [0056] and [0060], (the file comprises a file header and file body containing the said other material and a file footer.)
- Wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data the first data being either video data or audio

data organized according to an edit unit (at Para. [0063], (Metadata may also comprise data relating to edits in the material. It may comprise instructions defining simple editing and other processes to be performed on the material), and wherein the stuffing data has a KLV structure" at Para. [0020], (The packets include integer numbers of whole KLV encoded items containing the data of the structure where a value field V contains the data, a length field indicates the length of the value field and a key field indicates the type of packet).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ando (US Publication No. 2005/0237865) discloses a method, apparatus and program for processing information.

Lin et al. (US Patent No. 6,574,417) discloses a digital video processing and interface system for video, audio and ancillary data.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ M. Rahman /
Examiner, AU 2161
Date: 06/02/2010

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161